

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-1866

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Billy Mack Nichols, Jr.,

Appellant,

v.

Kevin Simpson, Detective; Little Rock  
Police Department; Stuart Fijo;  
George Fijo,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas  
  
[UNPUBLISHED]

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Submitted: July 7, 2000

Filed: July 12, 2000

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Before McMILLIAN, LOKEN, and MORRIS SHEPPARD ARNOLD,  
Circuit Judges.

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PER CURIAM.

Arkansas inmate Billy Mack Nichols, Jr., appeals from the final judgment entered in the District Court<sup>1</sup> for the Eastern District of Arkansas, dismissing under 28 U.S.C. § 1915(e)(2) his 42 U.S.C. § 1983 complaint. For reversal appellant argues the

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<sup>1</sup>The Honorable G. Thomas Eisele, Senior United States District Judge for the Eastern District of Arkansas.

district court erred in dismissing his complaint under Heck v. Humphrey, 512 U.S. 477, 486-88 (1994). For the reasons discussed below, we affirm the judgment of the district court.

Nichols alleged that appellees tampered with evidence and committed perjury during the proceedings underlying his state convictions for kidnapping, aggravated robbery, and theft. He claimed that appellees' actions caused him emotional and mental injury, and resulted in his incarceration. Any claim that the complained-of conduct resulted in his incarceration, however, is Heck-barred. See id. at 486-87 (in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render conviction or sentence invalid, § 1983 plaintiff must prove that conviction or sentence has been overturned). We are unable to discern how appellees' alleged wrongful conduct, which Nichols claims constitutes a violation of state penal law, otherwise violated his federal civil rights. See Buckley v. Barlow, 997 F.2d 494, 495 (8th Cir. 1993) (per curiam) (42 U.S.C. § 1983 plaintiff must allege violation of federal or Constitutional right).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.